

BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

AUG 11 2003

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY

IN THE MATTER OF A SUSPENDED MEMBER)
OF THE STATE BAR OF ARIZONA,)

No. 01-2324

SCOTT F. SAIDEL,
Bar No. 016296

AMENDED
DISCIPLINARY COMMISSION
REPORT

RESPONDENT.

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on July 12, 2003, pursuant to Rule 56(a), Ariz. R. S. Ct., for consideration of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) filed June 30, 2000, one year of probation upon reinstatement with the Member Assistance Program (MAP), restitution, and costs of these disciplinary proceedings.

Decision

The nine¹ members of the Commission unanimously recommend accepting and incorporating by reference the Agreement and Joint Memorandum providing for a six month suspension retroactive to March 12, 2001,² one year of probation upon reinstatement, restitution to the passengers in his car in accordance with any civil judgment arising from

¹ Commissioner Bowman did not participate in these proceedings. Larry W. Suciu, a Hearing Officer from Yuma participated as an ad hoc member.

²At oral argument, the parties stipulated to change the date of retroactivity to reflect March 12, 2001, the date Respondent was placed on summary suspension.. See Commission transcripts, pp. 5:1-16 and 8:1-23.

the collision, and in accordance with any restitution order entered in the criminal case, and

costs. The terms of probation³ are as follows:

- 1) Respondent shall contact the Director of MAP within thirty days of the date of the final judgment and order. Respondent shall submit to a MAP assessment. If deemed appropriate as a result of the assessment, the Director of MAP shall develop a probation contract, and its terms shall be incorporated herein by reference.
- 2) Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.
- 3) Respondent shall comply with all MCLE requirements and cure the MCLE suspension prior to reinstatement.
- 4) In the event Respondent fails to comply with any of the foregoing terms and information thereof is received by the State Bar, bar counsel shall file a Notice of Non-Compliance with the Disciplinary Commission. The Disciplinary Commission may refer the matter to a hearing officer to conduct a hearing at the earliest possible date, but in no event later than thirty days following receipt of said notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached, and if so, to recommend appropriate action and response to such breach.
- 5) If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

RESPECTFULLY SUBMITTED this 11th day of August 2003.



Jessica G. Funkhouser, Chair
Disciplinary Commission

³ At oral argument, the parties stipulated to add MCLE requirements to the terms of probation. See Commission transcripts, p. 9:6-15.

Original filed with the Disciplinary Clerk
this 11th day of August 2003.

Copy of the foregoing mailed
this 11th day of August 2003 to:

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Copy of the foregoing hand-delivered
this 11th day of August 2003 to:

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By Kelligand

/kdl